

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**ERIC A. TYNDALL,**

**Defendant.**

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**8:06CR89**

**ORDER**

This matter is before the court following a hearing on the motion of counsel for defendant Eric A. Tyndall (Tyndall) for a judicial determination of the mental competency of the defendant. Tyndall was examined by the forensic psychological staff at the Federal Detention Center, Seattle, Washington (FDC-Seattle). A report of such evaluation was received by the court on October 19, 2006 (Filing No. 30 - Sealed), and a copy of the report was provided to counsel. Tyndall was returned to the District of Nebraska for a competency hearing in accordance with 18 U.S.C. § 4247.

The hearing was held on November 9, 2006. Tyndall was present and represented by his counsel. Joseph S. Risko. The United States was represented by Assistant U.S. Attorney Douglas R. Semisch. The parties stipulated the court should consider the psychological report from the FDC-Seattle. Neither party presented any further evidence.

Having considered all the evidence introduced at the hearing by the parties and being fully advised in the premises, the court finds that the defendant, Eric A. Tyndall, is, at present, a mentally incompetent person unable to prepare or to assist in the preparation of a defense to the charge herein. Therefore, pursuant to 18 U.S.C. § 4241(d):

**IT IS ORDERED** that defendant, Eric A. Tyndall, is committed to the custody of the Attorney General or the Attorney General's authorized representative until the defendant is mentally competent to stand trial, or until further order of this court; and

**IT IS FURTHER ORDERED** that the United States Marshal is directed to take the defendant into custody to comply with the terms of this order.

DATED this 9th day of November, 2006.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge